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Cardiac Rhythm Management Division
701 East Evelyn Avenue
Sunnyvale, California 94086

FACSIMILE COVER SHEET

Deliver to: Jessica Reidel; USPTO Art Group: 3762
Facsimile No.: 571-273-8300 Date: December 15, 2005
Application No.: 10/828,897 Filing Date: April 20, 2004
Our Docket No.: A04P3006-US1 No. of pgs including cover sheet: 10
From: Steven M. Mitchell, Reg. No.: 31,857

Enclosed are the following documents:

<input checked="" type="checkbox"/> Amendment: Response (<u>7</u> pgs)	<input type="checkbox"/> Issue Fee Transmittal (In duplicate)
<input checked="" type="checkbox"/> Transmittal/Fee Transmittal (<u>2</u> pg)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Appeal Brief (in triplicate) (<u> </u> pgs)	<input type="checkbox"/> Petition for:
<input type="checkbox"/> Application: (<u> </u> pgs w/ cover & abstract)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input type="checkbox"/> Assignment & Recordation Cover Sheet (<u> </u> pgs)	<input type="checkbox"/> Reply Brief (<u> </u> pgs)
<input checked="" type="checkbox"/> Certificate of Facsimile	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request to Rescind Previous
<input type="checkbox"/> Declaration & POA (<u> </u> pgs)	<input type="checkbox"/> Nonpublication Request
<input type="checkbox"/> Drawings: <u> </u> sheets, <u> </u> figures	<input type="checkbox"/> Response to Written Opinion (<u> </u> pgs)
<input type="checkbox"/> Extension of Time:	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> IDS & PTO/SB/08 (<u> </u> pgs)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input type="checkbox"/> Other:	<input type="checkbox"/> Transmittal Letter

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at fax no.: **571-273-8300**.


Esther Campbell 12/16/05
Date

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Docket No. A04P3006-US1

DEC 16 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael Paris

Serial No.: 10/828,897

Art Unit: 3762

Filing Date: April 20, 2004

Examiner: Reidel, Jessica L.

For: METHODS AND DEVICES FOR DETERMINING HEART RATE RECOVERY

Docket No.: A04P3006-US1

MailStop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Dear Sir:

Submitted herewith for filing are the following documents:

X 7 page(s) Amendment and Response to Office Action

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage, via Express mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type) Esther L. CampbellSignature *Esther Campbell*Date December 16, 2005

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Docket No. A04P3006-US1

DEC 16 2005

CALCULATION OF FEES					
ITEM		NO. OF CLAIMS FILED	NO. OF ADDITIONAL CLAIMS FILED	LG ENTITY FEE	\$ FEE
A	TOTAL CLAIMS FEE	15 - 20 =	0	X \$ 50	\$ 0
B	INDEPENDENT CLAIMS FEE**	2 - 3 =	0	X 200	0
C	SUBTOTAL - ADDITIONAL CLAIMS FEE (LINES A + B)				\$ 0.00
D	MULTIPLE-DEPENDENT CLAIMS FEE LARGE ENTITY FEE = \$360				
E	BASIC FILING FEE * LARGE ENTITY = \$300				
F	SEARCH FEE * LARGE ENTITY = \$500				
G	EXAMINATION FEE * LARGE ENTITY = \$200				
H	TOTAL FILING FEE** (ADD TOTALS FOR LINES C, D, E, F AND G)				\$ 00.00

<input checked="" type="checkbox"/> Charge Deposit Account No. 22-0265 the amount of	\$00.00	A copy of this fee transmittal is enclosed.
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☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 22-0265:

☒ Any additional filing fees required under 37 CFR 1.16.

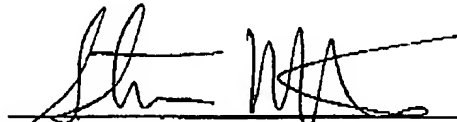
☒ Any patent application processing fees under 37 CFR 1.17.

☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 22-0265:

☒ Any patent application processing fees under 37 CFR 1.17.

☒ Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

Date: Dec. 16, 2005Steven M. Mitchell
Attorney for Applicant(s)
Reg. No. 31,857

CUSTOMER NUMBER: 24473

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Patent

DEC 16 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Michael Paris

Application No.: 10/828,897

Filed: April 20, 2004

For: METHODS AND DEVICES FOR
DETERMINING HEART RATE
RECOVERY

Examiner: Reidel, Jessica L.

Art Unit: 3762

Confirmation No.: 6172

Docket No.: A04P3006-US1

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action dated September 29, 2005, Applicant respectfully requests that the above-identified application be amended as follows and that the following remarks be considered:

CERTIFICATE OF MAILING OR TRANSMISSION

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Name (Print/Type) Esther CampbellSignature Date December 16, 2005